

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 2135

C O N F I D E N T I A L SECTION 1 OF 2 SEOUL 5892

E.O. 11652: GDS

TAGS: MPOL, PEPR, KS, US

SUBJECT: COMBINED FORCES COMMAND -- FORMAL IMPLEMENTATION,
PROBABLY A NON-ISSUE

1. AMERICAN AFFAIRS BUREAU DIRECTOR YU CHONG-HA CALLED IN POLCOUNS MORNING JULY 7 TO DISCUSS MODALITIES OF IMPLEMENTING THE COMBINED FORCES COMMAND (CFC). POLCOUNS EXPRESSED SOME SURPRISE AT BEING CALLED ON THIS SUBJECT SINCE HIS ASSUMPTION WAS THAT MATTER BEING HANDLED ON MILITARY-TO-MILITARY BASIS. YU STATED THAT DETAIL PLANNING FOR THE CFC HAD BEEN MILITARY-TO-MILITARY BUT THAT MINISTRY OF NATIONAL DEFENSE (MND) HAD NOW ASKED MOFA TO DETERMINE APPROPRIATE MANNER OF FORMALIZING CFC ARRANGEMENTS.

2. POLCOUNS EXPRESSED VIEW THAT MATTER SHOULD CONTINUE TO BE HANDLED THROUGH MILITARY CHANNELS AND IN AS LOW-KEYED MANNER AS POSSIBLE. YU SAID THAT MOFA WOULD BE HAPPY IF IT COULD GO AHEAD IN A LOW PROFILE MANNER, CONFINING THE FORMALIZATION TO MILITARY CHANNELS WITHOUT NEED FOR A NEW AGREEMENT. HE STATED THAT MOFA WAS BEGINNING ITS CONSIDERATION OF THE MATTER AND WISHED TO PRESENT A FEW VIEWS AND ELICIT U.S. RESPONSE IN ORDER TO ASSIST IN FORMULATING ITS OWN POSITION. YU EMPHASIZED THAT CONSIDERATION WAS JUST BEGINNING AND NO DECISIONS HAD YET BEEN MADE.

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3. YU NOTED THAT CFC WOULD HAVE OPCON OF FORCES IN KOREA. THE ONLY FORMAL AGREEMENT HE WAS AWARE OF WHICH DELINEATED OPCON WAS THE "AGREED MINUTE BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE REPUBLIC OF KOREA BASED ON THE CONFERENCES HELD BETWEEN PRESIDENT EISENHOWER AND PRESIDENT RHEE AND THEIR ADVISERS IN

WASHINGTON, JULY 27-30, 1954 AND SUBSEQUENT DISCUSSIONS BETWEEN REPRESENTATIVES OF THE TWO GOVERNMENTS". THE AGREED MINUTE IS DATED AT SEOUL NOVEMBER 17, 1954 AND AMENDED NOVEMBER 17, 1954, SIGNED AT WASHINGTON AUGUST 12, 1955, AND FURTHER AMENDED JANUARY 30, 1962. (CITES FOR THESE DOCUMENTS ARE TIAS 3396 AND TIAS 4967.) THIS MINUTE AND THE 1962 AMENDMENT WERE SIGNED FOR THE U.S. BY OUR AMBASSADOR IN SEOUL AND FOR THE REPUBLIC OF KOREA BY THE MINISTER OF FOREIGN AFFAIRS. YU NOTED THAT PARAGRAPH TWO OF THE "UNDERTAKINGS OF THE REPUBLIC OF KOREA" PLACE REPUBLIC OF KOREA FORCES UNDER OPCON OF UNC. HE NOTED THAT WHILE THE MUTUAL SECURITY TREATY WAS BROUGHT TO THE KOREAN NATIONAL ASSEMBLY, THE AGREE MINUTE WAS NOT.

4. YU STATED THAT THE POSITION OF MOFA'S LEGAL DEPARTMENT WAS THAT A CHANGE IN THE AGREE MINUTE WAS WITHIN THE CONSTITUTIONAL REQUIREMENT FOR SUBMISSION TO THE NATIONAL ASSEMBLY. THE PROBLEM OF COURSE WAS WHETHER THIS CHANGE IN COMMAND STRUCTURE WAS A MAJOR OR MINOR REVISION. NORMAL PROCEDURE WOULD BE TO BRING THE CHANGE TO THE ATTENTION OF THE NATIONAL ASSEMBLY. POLCOUNS POINTED OUT THAT IN HIS VIEW THE CINCUNC COULD UNDER THE AGREED MINUTE ESTABLISH THE CFC AS A COMMAND STRUCTURE. YU DISAGREED WITH THIS POSITION, SAYING THAT MOFA THOUGHT IT WOULD BE DIFFICULT TO IMPELEMENT THE CFC WITHOUT AN AMENDMENT TO ROK UNDERTAKING TWO IN THE CONFIDENTIAL

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AGREED MINUTE.

5. YU POINTED OUT THAT WHILE IT MIGHT BE POSSIBLE FOR THE MINISTER OF DEFENSE TO SIGN AN AMENDMENT TO THE AGREED MINUTE, THIS WOULD REQUIRE SPECIFIC AUTHORIZATION BY THE PRESIDENT. HE WENT ON TO NOTE THAT IN THEIR VIEW CFC WOULD BEEQUAL IF NOT A SENIOR COMMAND TO THE UNC AND THEREFORE HE HAD DIFFICULTY IN SEEING IT ESTABLISHED BY THE CINCUNC. EVEN IF THIS WERE NOT THE CASE, HOWEVER, IT WILL ALSO BE NECESSARY TO ESTABLISH AT THE SAME TIME AS THE CFC IS ESTABLISHED A JOINT MILITARY COMMISSION WHICH WILL PROVIDE GUIDANCE TO THE CFC. THIS BODY WILL OBVIOUSLY BE COMPOSED OF OFFICIALS SENIOR TO THE CINCUNC. POLCOUNS EXPRESSED SOME SURPRISE AT THE REQUIREMENT FOR ESTABLISHING A JOINT MILITARY

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COMMISSION. HE INFORMED YU THAT IN HIS VIEW THE PRESENT MILITARY COMMITTEE, WHOSE NEXT MEETING WILL FOLLOW IMMEDIATELY THE SCM, WAS ALREADY ESTABLISHED AND SHOULD PROVIDE GUIDANCE TO THE CFC. YU DID NOT FEEL THAT THE MILITARY COMMITTEE AS PRESENTLY CONSTITUTED WOULD BE SUFFICIENT.

6. YU THEN REQUESTED THAT POLCOUNS REFER THIS MATTER TO WASHINGTON FOR DEPARTMENT'S VIEWS ON THE FOLLOWING TWO POINTS:

(A) THE BEST WAY TO ACHIEVE ESTABLISHMENT OF THE CFC AND JOINT MILITARY COMMISSION IN A LOW PROFILE MANNER. (WITH RESPECT TO THIS HE STATED THAT REGARDLESS OF THE COURSE OF ACTION CHOSEN, DISCUSSIONS WOULD BE KEPT TO A MINIMUM IN THE ROK, IN PART TO AVOID NORTH KOREAN OBJECTION AND REACTION.)

(B) ASSUMING AN AMENDMENT TO THE AGREED MINUTE WAS REQUIRED, THE BEST WAY TO ACCOMPLISH THIS AND POSSIBLE PROBLEMS THAT MIGHT ARISE FROM FOLLOWING SUCH PROCEDURE. (HE SAID THE CURRENT VIEW WAS THAT ANY AMENDMENT SHOULD BE SIGNED BY THE AMBASSADOR AND THE FOREIGN MINISTER SINCE SIGNING BY EITHER THE MINISTER OF NATIONAL DEFENSE OR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF WOULD NOT
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AT PRESENT APPEAR A VIABLE OPTION. HOWEVER, THE ROK DID SEE THE REQUIREMENT FOR SOME FORM OF FORMAL AGREEMENT.)

7. IT WAS AGREED THAT NO DECISIONS SHOULD BE TAKEN ON THE BASIS OF THIS DISCUSSION WHICH WAS EXPLORATORY AND

THAT FOLLOWING RECEIPT OF WASHINGTON REACTION POLCOUNS WOULD AGAIN MEET WITH YU FOR FURTHER EXPLORATION. IT WAS FURTHER AGREED THAT THE MATTER REQUIRED CAREFUL HANDLING AND HASTY DECISIONS SHOULD NOT BE TAKEN.

8. COMMENT: IT IS UNC'S POSITION THAT NO FURTHER DOCUMENTATION IS REQUIRED TO BRING EITHER THE MILITARY COMMITTEE OR THE CFC INTO BEING. THE CFC TERMS OF REFERENCE HAVE BEEN RECENTLY APPROVED BY DOD AND ARE NOW IN THE MINISTRY OF NATIONAL DEFENSE FOR SIMILAR FINAL APPROVAL. ONCE THAT STWP HAS BEEN TAKEN, UNC FEELS THAT THE CFC TERMS OF REFERENCE WILL BE ADEQUATE DOCUMENTATION TO PROVIDE ALL NECESSARY AUTHORITY FOR BOTH THE MILITARY COMMITTEE AND THE CFC. WE DO NOT HAVE THE RESOURCES TO EXAMINE THIS POSITION IN LEGAL TERMS, BUT FULLY SUPPORT IT ON TACTICAL GROUNDS, SINCE IT WOULD AVOID A LOT OF UNNECESSARY BUREAUCRATIC WORKLOAD. FURTHERMORE, WE NOTE THAT MOFA'S POSITION IN SOME RESPECTS WOULD BE UNACCEPTABLE TO US. THE STATEMENT THAT "CFC WOULD BE EQUAL, IF NOT A SENIOR COMMAND, TO THE UNC" IS ENTIRELY UNACCEPTABLE BOTH IN POLICY TERMS AND IN PRACTICAL TERMS AS WELL.

RATHER THAN ENTERING INTO A CONFRONTATION WITH MOFA, WE WOULD PREFER TO HAVE MND WITHDRAW ITS REQUESTS TO MOFA AND THEN PROCEED WITH MILITARY-TO-MILITARY ARRANGEMENTS AS HAS ALWAYS BEEN CONTEMPLATED. WE ARE CONFIDENTIAL

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SOMEWHAT SURPRISED BY MND'S REQUEST (IF IN FACT TRUE) BECAUSE RECENTLY GENERAL LEW ASKED CHARGE WHETHER "THE DIPLOMATS INTENDED TO GET INVOLVED IN THE ESTABLISHMENT AND CONDUCT OF CFC?" WHEN TOLD THAT THIS WAS NOT LIKELY, GENERAL LEW SEEMED PLEASED. WE HAVE REQUESTED UNC TO MAKE INQUIRIES AT MND TO CHECK WHETHER IN FACT MOFA HAD BEEN REQUESTED TO "DEEM APPROPRIATE MANNER OF FORMALIZING CFC ARRANGEMENTS". THERE IS ALWAYS A POSSIBILITY THAT YU'S CONVERSATION WITH POLCOUNS WAS STIMULATED BY A DESIRE FOR BUREAUCRATIC AGGRANDIZEMENT RATHER THAN BY REQUEST FROM MND.

UNC, SUBSEQUENT TO DRAFTING ABOVE, HAS DISCUSSED THIS MATTER WITH MND. MND HAS ASSURED US THAT IT MERELY ASKED MOFA FOR AN OPINION AND HAS NO INTENTION OF TRANSFERRING RESPONSIBILITY TO MOFA OR OF MOVING CFC OUT OF MILITARY-TO-MILITARY CHANNELS. IN ADDITION, UNC LEGAL BRANCH IS OF THE VIEW THAT CFC REQUIRES NO MINUTE OF ITS OWN NOR AN INCLUSION IN PREVIOUS MINUTE. WHILE THIS MAY BE NON-ISSUE, WOULD STILL APPRECIATE ANY COMMENTS WASHINGTON WOULD CARE TO PROVIDE TO MOFA

APPROACH.

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